

Exhibit 1

Edwards, Steven M.

From: Edwards, Steven M.
Sent: Thursday, May 18, 2006 2:44 PM
To: 'Steve Berman'; Thomas Sobol
Cc: AWP MDL Committee Short; Carrie Flexer
Subject: RE: Daubert

I think if you look back at CMO 20 you will see that the judge recognized that that a Daubert motion was a possibility. I think it is also fair to say that she did not think you would be relying on expert testimony for Classes 1 and 2. Since you are clearly relying on Hartman for that purpose, we have to tee up a motion pursuant to a schedule that gives her the ability to decide it prior to the first trial. The schedule set forth in CMO 20 for Daubert was Class 3 only, it it does not provide for a hearing until after the first trial is complete. We agree that the summary judgment process may narrow the issues, which is why we have not raised the issue before now, but we may not be able to wait until the judge decides summary judgment before teeing up our motion. I think our first obligation is to do this in a way that works with the Court's schedule. As a practical matter, I don't think you can prevent us from filing a motion, so the real question is whether you want more than the normal 14 days to respond.

From: Steve Berman [mailto:Steve@hbsslaw.com]
Sent: Thursday, May 18, 2006 1:40 PM
To: Edwards, Steven M.; Thomas Sobol
Cc: AWP MDL Committee Short; Carrie Flexer
Subject: RE: Daubert

The judge rejected defs proposed schedule that had daubert motions teed up this summer and she has set a schedule for such motions. We think your filing such a motion violates that schedule and her order.

Second, we think the sj rulings may greatly shape what the scope of expert testimony maybe and will moot many of the arguments your experts make. Thus, we can save the court a lot of paper if such motions, assuming they were allowed, were tailored to the scope of the case

Therefore at this point we l oppose but willing to listen

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From: Edwards, Steven M. [mailto:SMEdwards@HHLAW.com]
Sent: Wednesday, May 17, 2006 3:16 PM
To: Steve Berman; Thomas Sobol
Subject: Daubert

6/14/2006

Daubert

Page 2 of 2

Defendants intend to make a Daubert motion challenging Hartman's proposed testimony with respect to Class 1 and Class 2. CMO 20 requires us to confer on a proposed briefing schedule for such a motion. We intend to file on or about June 1. How much time would you like to respond?

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